MARSHALL REPORTS ON NEGRO GIs IN KOREA—Page 297

The CRISIS

MAY, 1951

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By Herbert Hill

JUNE-JULY ISSUE OF THE CRISIS

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IN THE JUNE-JULY CRISIS

THE CRISIS

Founded 1910

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A RECORD OF THE DARKER RACES

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■ How Army jim-crow led to the wholesale courts-martial of Negro GIs in Korea

Summary Justice — The Negro GI in Korea

By Thurgood Marshall

THIRTY-NINE Negro American soldiers convicted and sentenced by courts-martial held in Korea asked the NAACP to represent them. All, beginning with Lt. Leon A. Gilbert, who received sentence of death on September 6, had pleaded "Not Guilty." When we examined records of the trials, we knew something was very wrong.

These soldiers were members of the 24th Infantry Regiment. This Regiment won the first notable United Nations' victory in retaking the rail and highway city of Yechon on July 28 after a bloody sixteen hour battle. At Bloody Peak, its Third Battalion fought its way up and down the mountain several times in the face of superior enemy fighting power, with whole companies being wiped out. Despite staggering casualties, these infantry-men fought on until they took Bloody Peak and held it.

And yet, we were faced with a large number of courts-martial cases involving Negroes, with conviction for cowardice, for desertion, for misbehavior in the presence of the enemy and other serious offenses. It seemed hard to believe that these men could change over from heroes to cowards, all within a few days, even under the violent pressures of warfare.

Letters from the men insisted they had been treated unfairly. In most cases there was no dispute between the prosecution and defense on points of law, but versions of the facts given by witnesses varied widely.

We needed facts. It would do little good to submit appeals for review of these trials unless we found out everything we could about each individual case. And the place to get the facts was across the Pacific.

At first, General MacArthur re-

THURGOOD MARSHALL, NAACP *special counsel, spent five weeks in Japan and Korea investigating the circumstances surrounding the courts-martial convictions of Negro troops. He left for Japan on January 11 and returned to New York City during the month of February.*

fused permission for me to go to Tokyo, where the prisoners were. He sent a cable which read:

Not the slightest evidence exists here of discrimination as alleged. As I think you know in this command there is no slightest bias of its various members because of race, color or other distinguishing characteristics. Every soldier in this command is measured on a completely uniform basis with the sole criteria his efficiency and his character. Nevertheless, on receipt of your message I at once ordered the Inspector General to make thorough investigation of your charges and will be glad to have you forward here any evidence in your possession bearing upon the matter.

In any individual trial a soldier can obtain special counsel to defend him if he so desires. In such individual trial there would of course be no objection to Thurgood Marshall representing the accused and coming to this command for such purpose. You understand of course that courts martial are convened by the Major Subordinate Commander in Korea and the hearings are conducted there.

DECISION NO HELP

This decision of MacArthur's was certainly no help to the men who had already been condemned, and we were continuing to receive requests from others who had been convicted under questionable circumstances. We did not hear of these trials until long after they took place, so the General's willingness to have me represent men who might be accused in the future was not encouraging. That same afternoon Walter White, executive secretary of the NAACP, sent another cable to MacArthur, urging reconsideration of its decision, and said:

Examination of courts martial records indicates many convicted under circumstances making impartial justice improbable.

He also forwarded a memorandum of twenty-three cases of individual soldiers, and requested a conference between General MacArthur, the Inspector General, and myself. On December 24, MacArthur cabled that there was "no objection" to such a conference.

Immediately after my arrival in Tokyo on January 14, General MacArthur ordered that I be given the fullest cooperation from everyone under his command. My work was to be carried on through the office of the Inspector General. The most complete cooperation possible was forthcoming throughout my stay.

I must emphasize that every consideration was shown me. But it helped reveal how little consideration had been given to men who had risked their lives for their country.

All the condemned men were confined in a stockade outside Tokyo. I was permitted to see every man I wanted to, as many times as I liked, and with complete privacy. Altogether, I saw about eighty men. I talked to Lt. Gilbert half a dozen times, and to some of the others several times. It was possible to get each man's story, as he wanted to tell it, asking him to explain any questionable or obscure details. All the information which had been lacking in the courts-martial records

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KOREAN FASHION SHOW—*During a lull in the fighting in Korea, Cpl. Charles Yizar of Mamaroneck, N. Y., looks over a bullet-proof vest worn by Cpl. George Brackett (left) of Philadelphia, Pa. Something new in military fashions? Both men are "medics."*

became available for checking — names of witnesses, dates, times of day, places — everything a defense lawyer should have when a man's life is at stake.

FURTHER INVESTIGATION

Each day a list of all points which warranted further investigation was submitted to the Inspector General. Inquiry into these detailed points would begin that very day, so that this checking process moved along only a few days behind my questioning.

I then went back and did my own checking on stories that did not quite fit together. In this way it was possible to separate hearsay from facts. It helped distinguish exaggerated statements from the facts, and to document these facts whenever possible.

In many cases, charges were made or strengthened by officers whose statements in the records of the trials called for extremely careful checking. It wasn't possible for some of the things they said to be true. And yet, to find out where they now were required use of the Locator File in the huge six-story Dai Ichi building which was MacArthur's Far East Command headquarters. I hate to think how many times it turned out that the officer had been killed in action. Back in August, September, and October of 1950 the casualty rate was horribly high.

After three weeks of this process, I made a preliminary report to General MacArthur and General Hickey, his chief of staff. This was at a conference in the Dai Ichi building at night. I told them what had been found so far in my investigation, what I believed to be the cause of these courts-martial trials, and who, in my opinion, was to blame.

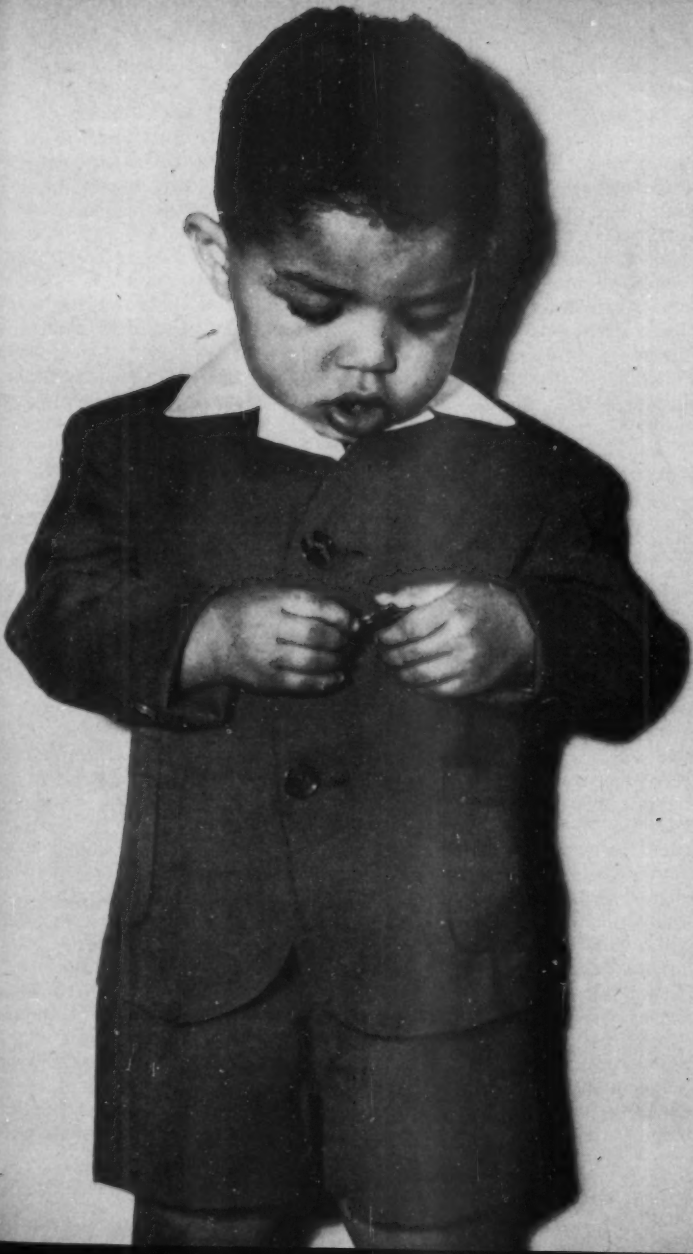
WENT TO KOREA

Then I told General MacArthur I wanted to go to Korea, and they made arrangements for the same complete cooperation that had been given to me in Tokyo.

All through my inquiry in Korea I was allowed to see anybody I needed to see. From the beginning to the end of that part of my trip a Deputy Inspector General, Colonel D. D. Martin, accompanied me. With his authority and with my published orders from MacArthur, we could open any door. And we did. Whenever I could more easily get what was needed by myself, I would arrange to go alone. This was wholly satisfactory to Colonel Martin.

Since the 24th Infantry Regiment is part of the 25th Division, which is a part of the 8th Army, we first flew to the 8th Army headquarters in Korea. There I talked with officers

MEDAL FOR MIKE—*Michael Benefield, 2, of Alexandria, Va., inspects the Distinguished Service Cross awarded posthumously to his father, Lt. William M. Benefield, Jr., who was killed in Korea last July while singlehandedly trying to remove a mine field which blocked his company's advance. When the medal was pinned on the child's coat, he burst into tears because he thought it would hurt—probably not realizing just how meaningful tears were at the moment.* (*Acme*)



at the top level and men in the lower echelons to get some further idea of what was going on.

Next we went to the 25th Division, where we had talks with General Keane and the men attached to Division headquarters. A whole day was spent getting the stories of the officers who served as defense counsel in the courts-martial cases. Although it is obvious to any lawyer that the cases were prepared in extreme haste, not a single one of these men would admit he did not have sufficient time to prepare his cases properly.

Their legal abilities cannot be questioned. The letter of the military law was observed in nearly every instance.

WHAT HAPPENED

What actually happened in virtually every case was that a defendant would be confronted by two officers, who told him they were assigned to serve as his counsel. Then, observing the letter of military law, they would tell the prisoner, *"You are allowed to choose your own counsel if there is anyone you prefer."*

"Then I want Captain A," the accused man would say.

They'd be sorry, but Captain A was busy right now in a fire fight with North Korean forces on the Main Line of Resistance. His company needed him.

"What about Lieutenant B?" the prisoner would ask.

It was regrettable, but Lieutenant B was up on a ridge with his platoon and could not possibly be disturbed because the enemy was threatening to engulf the whole situation. While the accused man was assured of counsel of his choice, the court-assigned counsel advised him to choose them. The trial was going to begin very shortly. He's been charged with a serious offense, and he needed counsel. Captain A and Lieutenant B were away, and they — the two assigned-counsel — were right there. So was the trial.

In numerous instances the counsel spent no more than fifteen or twenty minutes with the men about to be tried. There were cases when a man was pulled out of his foxhole —told to get out of his blanket, get dressed and ride to Pusan. He'd arrive in Pusan in the middle of the night, be allowed to go to sleep for a while on the court-room floor, only to wake up for his trial to be held then and there.

Since these officers had no wish to endanger their careers, they certainly were not going to concede that there had been insufficient time to prepare the cases properly.

MAIN QUESTION

The following day we rode by jeep to the rear headquarters of the 24th Infantry Regiment. Although this area was called "in the rear" you could hear our artillery firing way behind you. Later we went up to the forward headquarters, where you use a jeep without any springs so as not to mar the accuracy of the 35 and 50 caliber machine guns mounted on them. We were all issued weapons, since an estimated one thousand guerillas were still at large in the country we went through. The cold air was raw and biting, but we used an uncovered jeep, because the officers with us preferred

to be in the open, where they were more likely to see what they ran into on all sides.

It became apparent that we would have to consult the official records to prove what had actually happened to the regiment during those three months last summer and fall. The files we needed were kept at the 25th Division's rear. We hitchhiked a ride back to Pusan, far behind the lines, then took another jeep to ..... (place withheld, by military request). There we found the Division Judge Advocate's office.

In a single room were the investigating reports, military order, and complete files of courts-martial records. Anything connected with any case was available for scrutiny. Here was the precise information, available nowhere else on earth, affecting the condemned soldiers.

The 24th Infantry had been up in the front lines for 93 straight days. Two white regiments were also fighting as long, one of them for 95 days. During that time the ratio of troops of the entire 25th Division serving in Korea, by race, was one Negro to 3.6 white men.

OFFICERS WHITE

The 24th Regiment was the same kind of Negro regiment the Army has maintained since 1865. All enlisted men were Negroes, but for the most part the officers above the level of lientenant were white. As was apparent from my visits to the Locator File in Tokyo, the casualty rate for these officers and their replacements were extremely high. Although many of these officers were dead, they and many of their successors were responsible for the facts revealed by a comparative table drawn up to show how differently Negro and white defendants were treated by courts-martial proceedings.

A court martial begins with a complaint — usually made by an officer. The commanding officer either arrests the man or allows him to go free. An investigation, by another designated officer, ascertains whether the official charges are well founded.

In the 25th Division, between the time of Lt. Gilbert's conviction on September 6 and my visit in late February, there was a total of 118 complaints filed for all types of offenses. Of these, 82 resulted in trials, the rest being either withdrawn or dropped.

Out of the 82 cases which resulted in general court-martial trials 54 were Negroes, 27 were white, and one was Japanese. In these 82 cases, 66 were investigated by white officers and 16 were investigated by Negro officers.

Most of the charges filed against Negroes — 60 of them — were for violation of the 75th Article of War, misbehavior in the presence of the enemy. This means cowardice. In Army life there is no more serious charge.

In the files were complaints against white soldiers for sleeping on their posts during guard duty, up on the front lines within spitting distance of the enemy. But they were not charged with any violation of the 75th Article of War. They were charged with sleeping on their posts. White boys were charged with leaving a sentry post and sleeping on duty who did not even put up a defense, and they were acquitted.

One man was found wrapped up in a blanket sound asleep. In this case, his commanding officer testified, *"I saw him there and he was sleeping."* One witness testified he didn't *think* the man was asleep. Other witnesses took the stand all saying the boy was asleep. One sergeant testified, *"I was right there. I not only saw him, but I heard him. If he wasn't sleeping, he was snoring while wide awake."*

This accused soldier was acquitted, found not guilty.

100 PERCENT WHITE

Was it a coincidence that all the commanding officers who approved charges were white, that the entire staffs of the Inspector General's office, and of the trial Judge Advocate's office were 100 percent white? Was it also purely coincidental that one week before my visit to Korea a Negro was added to each of these two staffs?

Here is a summary of the actual results of courts-martial in Korea for alleged violation of the 75th Article of War:

	Negro	*White*
Charges withdrawn	23	2
Charges reduced to AWOL	1	0
Acquittals	4	4
Sentenced	32	2
	60	8

These are the sentences given to the defendants:

	Negro	*White*
Death	1	0
Natural Life	15	0
50 years	1	0
25 years	2	0
20 years	3	0
15 years	1	0
10 years	7	0
5 years	2	1
3 years	0	1
	32	2

The white defendant who got the worst sentence (five years) offered as his defense that he was a chronic drunkard, but this sentence has been since reduced to one year.

The investigation-reports, all kept as official records by the Army, revealed that no credence was ever given to the story each individual accused man would tell. The investigating officers totally ignored the statements of the men about to be charged with the worst offenses in the Army code. Scant effort was made to find out what was true and what was not. I had not only talked to these men, but had the benefit of the investigations made by the Judge Advocate's office to check what stories could be proved.

THE MEN

And what actually had happened? Who were the individuals condemned to serve out their lives in army prisons, or endure terms of 10, 15, 20, 25 and 50 years at hard labor for being cowards?

One boy convicted of cowardice had enlisted when he was fifteen. He remained in that bloody, frozen Korean fighting without telling anybody he was under age, knowing full well that he could at any time be returned to the United States as a hero. This coward remained in the front lines of his own free choice

(*Continued on page* 350)

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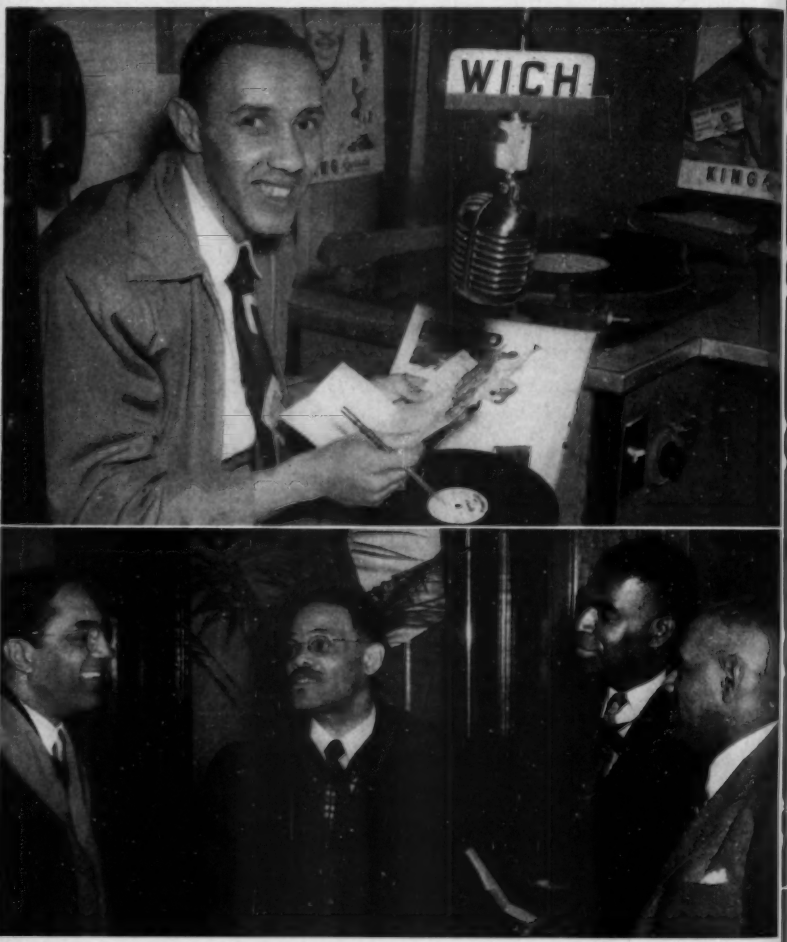
CHAPLAIN WINS HIGH AWARD—*Chaplain (Capt.) Drue C. Ford (left) counsels one of his charges, Cpl. William H. Weymouth. Capt. Ford was awarded the Commendation Ribbon presented by the base commander at Lackland Air Force Base, Texas, for meritorious service in the field of counseling. This award is one of the highest honors to be bestowed for peacetime achievements. Capt. Ford also won two Bronze Stars and the Asiatic-Pacific Ribbon for his service in World War II.*

DID YOU KNOW —

That the ex-slave William Johnson of Natchez, Mississippi, was "one of the most interesting and remarkable of American diarists"?

Johnson's diary, edited by E. A. Davis and William Hogan, has been recently published by the Louisiana State University Press as *William Johnson's Natchez.*



DISC-JOCKEY—*Bill Marshall, a member of the Ansonia, Conn., NAACP branch, is disc-jockey on the "Mid-Week Function" heard every Wednesday evening over Station WICH, Norwich, Conn.* BOTTOM: *Dr. Rufus Clement (center), president of Atlanta University, charter day speaker at Wilberforce State College.*

■ How NAACP branch representatives helped to defeat the Winstead Amendment

The People vs. Winstead of Mississippi

By Clarence Mitchell

"WOULD you have objections to the various people, when they register, stating a preference and, as nearly as possible, the military following it out?"

This apparently innocent question asked by Congressman Arthur Winstead (D., Miss.) during the NAACP's testimony before the House Armed Services Committee on March 8 was the warning signal for a new southern attempt to continue and extend segregation in the Armed Services.

More than a month later on the floor of Congress, this attempt was defeated. The defeat was accomplished by NAACP branch representatives from eleven key states who came to Washington at the call of Walter White, executive secretary. They proved once again that the Mississippi version of race relations can be defeated but the job requires time, money, and work.

Congressman Winstead succeeded in getting an amendment into S. 1, the Universal Military Training Bill. His amendment provided that

> Persons required to register pursuant to this section shall, at the time of such registration, be accorded the right to express a written preference to discharge their obligation for training and service in the Armed Forces in units which are segregated as to race, which preference shall govern any future assignment of such persons, for training and service, insofar as military necessity may permit.

There are only eleven members from the solid South on the House Armed Services Committee. There are twenty-four members from northern and border states. Hence, the southerners did not have enough votes themselves to get this amendment out in committee, but they were supported by Republican members including Congressmen Harry L. Towe of New Jersey; Leon H. Gavin and James E. Van Zandt of Pennsylvania; and William H. Bates of Massachusetts.

Congressman Bates provided the "safe" line to defend this vote. He said, "It is my personal experience that they [colored servicemen] wanted to live with themselves."

CLARENCE MITCHELL, *a frequent* CRISIS *contributor, is director of the Washington bureau of the NAACP.*

The director of the NAACP Washington bureau called on Congressman Joseph Martin, the GOP Leader, to ask that the Republicans, as a matter of policy, vote against the Winstead Amendment. Congressman Martin said, "He would 'see what might be done about it.'" However, he also said, "Well, anyway it could be knocked out in the conference between the House and Senate."

This last remark of Mr. Martin was a storm warning. It meant that the Winstead Amendment might be left in the House bill as a means of forcing the Senate, which had passed different provisions concerning UMT, to accede to demands made by the House.

SPONSOR NEEDED

In order to defeat the Winstead Amendment, it was necessary to get a sponsor who would move to amend the bill by striking out the Winstead language.

The House was in Easter recess; the Chicago mayoralty election was in progress; and the few congressmen left in Washington seemed to be more interested in some other project. The NAACP requested Congressman Melvin Price (D., Ill.) to carry the fight against the Winstead Amendment. He discussed the matter with the Director of the Washington Bureau and agreed to act.

Congressman Chet Holifield (D., Calif.) and Congressman Clifford Case (R., N.J.) joined in planning floor strategy and rallying votes for the Price Amendment. In this they had the support of twenty-five friendly congressmen.

Congressman Adam Clayton Powell, Jr., (D., N.Y.) sent a letter to all members of Congress urging that the Winstead Amendment be defeated. Congressman William L. Dawson (D., Ill.) also strongly opposed the Winstead Amendment. Congressman Jacob Javits (R., N.Y.) was another leader in the drive to defeat the Winstead proposal.

Meanwhile, strong support developed for a substitute bill offered to replace S.1. This substitute bill was introduced by Congressman Graham Barden (D., N.C.) for the purpose of eliminating the Universal Military Training features of S.1. To win support from fellow southern Congressmen, Mr. Barden included the Winstead Amendment.

Many organizations and groups opposing UMT began rallying votes for the Barden Bill. These people argued that getting rid of UMT was more important than defeating the Winstead Amendment. Even one of the strongest supporters of civil rights announced on the floor that he would vote for the Barden Bill, although he

NAACP LOBBYISTS IN WASHINGTON—*Forty-four delegates from 11 key states gathered in Washington in April to ask their congressmen to strike out the Winstead segregation amendment from the Universal Military Training Bill and to add the Havenner amendment to provide federal protection to members of the Armed Forces against violence. The group was under the direction of Clarence Mitchell, director of the NAACP Washington bureau.* TOP: *Mr. Mitchell gives a briefing session prior to the lobbying trip to Washington.* BOTTOM: *Some of the members of the lobbying delegation.*

did add that he opposed the Winstead Amendment.

Another problem to be reckoned with was the method by which the House would vote on the Winstead Amendment. The House would be in "the Committee of the Whole." During this period, there is no record vote by names. Hence, a Congressman could vote to support the Winstead Amendment but, because there would be no record of how he voted, he could escape attacks by pretending that he voted against it.

The only safeguard against a bad vote when the House is in the committee of the whole is to have the congressman know that some of his constituents are in the gallery watching him.

SKILLFUL GROUP

It was clear that we needed a skillful group of people from key states to be sure that we could defeat the Winstead Amendment. Forty of them responded to Mr. White's call. Gloster B. Current, director of branches, also came to Washington to aid the effort. The representatives were Ted Caldwell, Justice Moore, Wendel Allen, Andrew T. McCaskill, Thomas M. Terry, and Edward M. Turner of Michigan; Mr. and Mrs. Larry Jackson, Mrs. Bettie Smith-Marshall, Mrs. Jannette Carter, Father Thomas Little, Mr. and Mrs. Arthur Harris, and Dr. Henry F. Owens of Pennsylvania; Ralph Boyd, Rev. Julius Lee, Wilmer Daniels, Rev. George Jackson, Lucille Peterson and Wilfred Mais of New York; Harry Richter and H. E. Irving of New Jersey; Mrs. Jean Jamison, Mrs. Leon Anderson, and Wagner D. Jackson of Delaware; Mrs. Lillie M. Jackson, Mrs. Juanita Jackson Mitchell, Rev. Eugene T. Groves, Robert Watts, and Rev. David Croll of Maryland; Dr. Nimmerman, Mrs. Matheny, Rev. Harvey S. Strozier, Rev. Z. L. Jones, and Rev. William H. Fambro of Ohio; Rev. Julian Taylor and Mrs. Bernice Norwood Napper of Connecticut; Luther Lackey of Illinois; Rev. D. M. Russell Levi, Ralph D. Grigsby, and Mr. and Mrs. Homer L. Benson of Indiana; and Carl R. Johnson of Missouri.

Congressman William W. Blackney (R., Mich.), a member of the House Armed Services Committee, had also voted to support the Winstead Amendment in committee. When Michigan representatives upbraided him for this action, he said he had not heard any protest from his home district. It happened that the persons talking with him at that time were from Lansing. Providentially, Mr. Thomas arrived the following day from Flint, which is in Congressman Blackney's district. The Congressman then pledged opposition to the Winstead Amendment.

FRUITFUL DAYS

The Pennsylvania delegation spent two fruitful days walking corridors, visiting offices, and catching their sometimes elusive congressmen in whatever way that they could. It was gratifying to note that both congressmen Gavin and Van Zandt reversed their previous stand and opposed the Winstead Amendment when it came to floor for a vote.

The Maryland delegation saw its congressmen in rapid fire order. Congressman Sasscer (D., Md.) was

reported to have voted for the Winstead Amendment in committee. He denied this in his talk with the Maryland group and pledged his vote against the segregation proposal.

The representatives of the New England branches reported for duty at 9:00 A.M. each day and put in a full eight hours of work. New York, Indiana, Ohio, Michigan, Pennsylvania, Maryland, Connecticut and Illinois did the same.

The Delaware delegation finished its job quickly and joined others in seeing Congressmen. Delaware has only one member of Congress.

Two New York delegates had difficulty seeing their Congressmen, but after two days of persistent effort they were successful. Both Congressmen pledged their support of the Price Amendment.

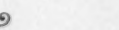
Massachusetts was represented by a Connecticut delegate, Mrs. Napper, who is also vice-president of the New England NAACP Regional Conference.

The first promise of defeat for the Winstead Amendment came on Thursday, April 12, when the House voted 178 to 126 to knock it out of the Barden Bill.

On Friday, April 13, a new situation developed. The House was weary of long debates and numerous amendments. The Barden Bill had been defeated. Many friendly Congressmen were enjoying the spring sunshine outside their offices and away from the House Chamber.

The Southern members of Congress were, as usual, on the floor or in the cloak-rooms. Congressman Winstead offered some statistics to support his contention that colored troops favored segregation. He also stated that the Department of Defense was not opposed to his amendment.

On a standing vote, the Price Amendment won by the narrow margin of 107 to 101. Southern strategists immediately asked for tellers. Under this process, members of the House file down the middle aisle of the Chamber and are counted individually. Usually this gives a few minutes to rally support for either side. The southern bloc actually did pick up 22 new votes on this count, but the anti-segregation group was able to round up 31 additional votes. Thus, the final result was 138 to 123 in favor of the Price Amendment.



DID YOU KNOW —

That James Branch Cabell, the famous Virginia novelist, once reported Harlem society news while on the reportorial staff of the New York *Herald*? This, however, was in the days when Harlem was a white residential section.

★ ★ ★

That the American Navy used Cap-Haitien, Haiti, as a coaling station during the Civil War?

Acme

WINS $10,000 SCHOLARSHIP—*Herbert E. Kinds, 18, is the first Negro student ever to win a seven-year Tyng Scholarship for study at Williams College, Williamstown, Mass. The scholarship is actually worth more than $10,000. Kinds, who says he wants to become a doctor, was an honor graduate at Glenville High School in Cleveland, Ohio.*

Acme

"TO AN HONEST PERSON"—*College coeds who volunteered to "lose" letters around New York City addressed "to an honest person" asking the finder to return a dollar or the new Booker T. Washington half-dollar which was enclosed in each envelope. The letters were used in a half-million dollar campaign to raise funds for Negro education.*

Good News

The Rev. James H. Robinson, pastor of the Presbyterian Church of the Master, New York City, was honored by the Columbia University Faculty Club in March for his achievements in furthering interracial and interfaith projects in Harlem.

★ ★ ★

Mrs. Mary McLeod Bethune was co-winner in March of the human relations awards of the National Conference of Christians and Jews. The awards, one of which went to Cornelia Otis Skinner, author and dramatist, were presented by Dr. Everett R. Clinchy of New York in recognition of the services of these women in bettering human relations.

★ ★ ★ ★

When Mary Robbs, 25-year-old soprano, sang three numbers with the Chattanooga Symphony Orchestra on March 28, it marked the first time in the history of the South that a Negro has appeared as featured performer with a white orchestra as guest soloist.

★ ★ ★

For the first time in the history of the New York City school system a Negro has been recommended for the policy-making post of assistant superintendent of schools. Dr. John B. King, until recently principal of Junior High School 45, the Bronx, had his nomination formally presented to the New York Board of Education on April 12.

★ ★ ★

Herbert E. Kinds of Cleveland, Ohio, is the first Negro to win the Tyng award for a full college education at Williams College, Williamstown, Massachusetts. One of the unique scholarships in American education, the Tyng grant offers a full college education to outstanding students of limited means, plus an opportunity for three full years of study at the graduate level. Mr. Kinds is one of seven members of the class of 1955 to receive the scholarship.

★ ★ ★

Geraldine Vivian Henry of State College, Wilberforce, Ohio, has been awarded a $6,800 scholarship to Manhattanville College of the Sacred Heart,

New York City. The award is divided into four years at $1,700 a year. Miss Henry will begin her college career in September, 1951.

★ ★ ★

Pope Pius XII has raised Rt. Rev. Gladstone O. Wilson, Chancellor of the Vicariate Apostolic of Jamaica, B. W. I., to the dignity of Domestic Prelate, with the title of Right Reverend Monsignor.

★ ★ ★

Fred Thomas of Norristown, Pa., is the first Negro to win a Metropolitan Opera Auditions of the Air award. A baritone, Mr. Thomas may go on to become a member of the Metropolitan Opera Association, in which case he would be the first Negro singer to be under contract to the Metropolitan.

★ ★ ★

NAACP special counsel Thurgood Marshall was cited at a luncheon as "America's outstanding civil-rights lawyer." The luncheon, given at the Delmonico Hotel in New York City on April 5 in Mr. Marshall's honor, was attended by 100 guests of the Association.

★ ★ ★

Dr. Ralph Bunche won the Four Freedoms Award in April as result of a national ballot. He received the award, which was presented by Mrs. Franklin Roosevelt, at a dinner in his honor held at the Waldorf-Astoria Hotel on April 11. The Four Freedoms Award goes annually to the person who has rendered the most distinguished service in the cause of the Four Freedoms.

DID YOU KNOW —

That a Negro named Miguel set up a town near New Segovia, Venezuela, in 1553 and acclaimed himself king?

Miguel, who belonged to Pedro del Barrio, revolted when his master attempted to punish him and fled to the hills. He made frequent raids on New Segovia and finally persuaded 180 slaves and Indians to join him in establishing his community. His queen was a Negro woman named Guiomar. José de Oviedo y Baños tells Miguel's story in *History of the Conquest and Population of the Province of Venezuela* (1723).

MIDWEST REGIONAL CONFERENCE—*Some of the branch presidents in attendance at the midwest regional conference of the NAACP held in Kansas City, Mo., on February* 10. BOTTOM: *Dinner meeting of the closing session, with Bernard Brown (standing) as principal speaker. Mr. Brown, NAACP assistant field secretary, is heading the temporary midwest regional-headquarters as a coordinator of membership campaigns in the states of Missouri, Kansas, Iowa, Minnesota, Nebraska, and Colorado in connection with the* 1951 *nationwide membership campaign.*

DID YOU KNOW—

That the Citadelle-Henri on Pic des Ferrières in Haiti was sixteen years a-building?

The Citadelle, often called the greatest wonder of the New World, was begun by Henri Christophe in 1797 and inaugurated in 1813.

■ How a new chapter came to be written in the tragic Groveland, Florida, story

Another Chance for the Groveland Victims

By Edna B. Kerin

A NEW chapter has been written in the tragic Groveland story.

With the unanimous reversal by the United States Supreme Court of the convictions of Samuel Shepherd and Walter Lee Irvin for the alleged rape of Mrs. Norma Padgett, the NAACP has won a new trial for the victims of this notorious miscarriage of justice.

With the scathing denunciation by Justices Robert H. Jackson and Felix Frankfurter of the odious part play by the Florida press in preventing a fair and impartial trial, there is a new ray of hope for the ultimate triumph of justice in a case characterized by Justice Jackson as "one of the best examples of one of the worst menaces to American justice."

From the moment the presentation of the Groveland appeals began before the nation's highest tribunal, until Justice Jackson delivered his precedent-shattering indictment of "prejudicial influences outside the courtroom," there seemed somehow to be confidence that at least the terrible wrongs against the defendants would stand a chance of being righted.

In a troubled and uneasy America, there is always a steadying effect in the atmosphere and conduct of this nation's highest court of law. The air in the stately marble halls seems remarkably uncontaminated and easy to breathe. Casual observers hearing the Groveland arguments could not help feeling that the haze of bias and race hatred that had heretofore clouded the case would be lifted, the issues clearly faced, and a decision handed down purely on the basis of the facts and the law, uncolored by prejudice of any kind.

The dignity of the proceedings in the quiet, high-ceilinged chamber where the Groveland appeals were argued on the afternoon of March 9, 1951, must have been a welcome relief to the two attorneys who remembered another chamber on an-

EDNA B. KERIN *is an assistant in the* NAACP *department of public relations.*

other afternoon — a humid August afternoon in a tense, expectant courtroom in central Florida, jammed with vengeful and antagonistic spectators "sitting tight" to await the outcome of the law before they decided to take action themselves. The Supreme Court must have provided a sharp contrast to the lawyers who had originally argued the case in a community where the newspapers threatened that "if smart lawyers or agents of different organizations seek to hamper justice through the employment of legal technicalities, they may bring suffering to many innocent Negroes."

At no moment was the contrast more obvious than when the assistant attorney-general of the state of Florida, Mr. Reeves Bowen, rose to present Florida's argument. Making no pretense of denying that Negroes were intentionally placed on his state's county jury panels in the same proportion as the ratio of the number of registered Negro to white voters in the county, Mr. Bowen devoted his discourse to a justification of Florida's position.

ARGUMENT SILLY

The Florida attorney took himself mentally out of the dignified arena of the high tribunal to launch into a tirade framed by the racial attitudes of his home community, ones based solely on color prejudice. He admitted the proportional basis of jury selection, but asserted that state officers *had* to take cognizance of color, "or otherwise we would *never* have any Negroes on the jury."

With reference to what he called "the historical background of the South," Mr. Bowen declared that the jury commissioners of Lake County "just don't think about Negroes as jurors" as a matter of course. Just as they would not "think of having Negroes on a list for a social function." He told the court that a Florida jury commissioner must remind himself: "I must consciously make up my mind that it is my duty" to concentrate on placing Negroes on a jury list — "this one on here, that one on there, to do my duty." Lumping jury lists and lists for social functions indistinguishably together, Mr. Bowen stated that in Florida no Negro would appear on either, "unless he is consciously selected because he is a Negro."

The great weakness in Mr. Bowen's method of approach is that he was only able to carry himself back *mentally* to the halls of "justice" in Lake county, Florida. Actually, he was in the United States Supreme Court, where these reasons for choosing jurors according to race weren't so readily acceptable.

The spectators and news reporters displayed open amusement at the Floridian's line of thinking. The justices got down to brass tacks in challenging Mr. Bowen's assertions.

BRASS TACKS

Was there, Justice Harold Burton wanted to know, "anything to prevent" the Lake county jury commissioners from putting the lists of names of white and Negro prospective jurors in a box and drawing them out by chance?

Had Lake county, wondered Justice Tom C. Clark, ever heard of putting names in a "jury wheel" and turning this wheel around until the

names were thoroughly mixed and could be drawn at random?

What would happen, Justice Jackson speculated, if a city like New York, with its countless intermingled races and national origins, tried to pick jurors "in proportion" to the races of its inhabitants?

Nobody but the assistant attorney-general of Florida seemed to think a man's race or color was an important factor affecting his selection as a juror. And nobody seemed to think that the "historical background of the South," which made it necessary to "concentrate" on listing Negroes for invitations to a social function, had anything to do with guaranteeing a fair trial for three young Negroes accused of a crime in Lake county, Florida.

The Groveland case, officially known as *Shepherd and Irvin v. State of Florida,* had its beginning in July, 1949, when a young white woman, Mrs. Willie Padgett, claimed that four Negroes had attacked her. This accusation set off a wave of terror and violence that resulted in the burning of homes and the routing of more than four hundred Negro residents from the little central Florida citrus community of Groveland and its environs.

Samuel Shepherd and Walter Irvin, both 22, and both considered rather "uppity" in the eyes of a community that didn't take to Negro youths who drove around town in a '40 Mercury, and whose families lived in neat, decent houses on good property, were arrested for this alleged crime and thrown in jail. Charles Greenlee, 16, who was in the Groveland jail for vagrancy, made a handy third victim and was also charged with rape. Ernest Thomas was shot and killed by a deputized mob in a swamp, where he was reported by a coronor's jury to have been "unlawfully armed with a deadly weapon —while attempting to shoot and murder public officials and those in the lawful aid and assistance of said public officials."

GROVELAND NIGHTMARE

Violence flared in Groveland. Automobiles from Georgia, Alabama, and neighboring Florida counties moved surreptitiously into the area. A mob completely outnumbering local police and National Guardsmen, who had been dispatched to the scene armed with heavy artillery, thundered to the jailhouse door, clamoring for the prisoners.

When the sheriff told the mob that the prisoners had been moved to an "undisclosed jail," the torch of violence was ignited. Deputies, patrolmen, and guardsmen were conveniently elsewhere, and the mob moved into power. Groveland turned into a nightmare, with the marauders shooting and swarming through the Negro sections of town. Three homes, one of them Shepherd's, were burned to the ground.

In an on-the-scene investigation conducted immediately after the initial wave of violence, NAACP attorney Franklin H. Williams gathered evidence indicating the innocence of the accused youths. He also discovered that the prisoners were brutally beaten by police to force them to "confess"; that after two weeks the lash-scars on their bodies and the cuts on their heads made by these beatings were still clearly visible. They had severe cuts on their

wrists, inflicted when they were hung from a pipe with handcuffs. One of them had his foot cut with broken glass; another had broken teeth and a dislocated jaw. No doctor had seen the boys up to the time that Mr. Williams interviewed them; they were still wearing the same clothing, dirty and bloodstained from the beatings, in which they were dressed when arrested.

HOSTILE ATMOSPHERE

The trial of Shepherd, Greenlee, and Irvin took place on the last day of August and the first day of September, 1949, in an atmosphere still inflamed by hostility and race tension. The leading daily newspaper in the area screamed for vengeance in a front page cartoon depicting electric chairs and carrying the caption "The Supreme Penalty—No Compromise." Another paper carried an editorial prodding the populace to violence with the assertion that, had this happened to the editorial writer's wife or daughter, "there is only one way we'd act, that is to take justice into our own hands." Still another editorial attempted to sway the jury by stating that "The jury must be reminded that a young woman was violated, horribly, and that justice is due her."

Petitions by NAACP attorneys (Mr. Williams and Alex Akerman, Jr., of Orlando), asking for an extension of time to secure witnesses and evidence, and a change of venue to a place less inflamed by race antagonism, all were denied. Attorneys were sneered at for challenging prospective jurors in an attempt to select even the semblance of an unbiased panel. Key defense witnesses were jailed and thus prevented from being readily interviewed by counsel.

The jury handed down a verdict of "guilty," based on flimsy and unbelievable evidence, for all three defendants. Shepherd and Irvin were given the death penalty; Greenlee, who was only 16 years of age at the time, was sentenced to life imprisonment.

On September 6, a motion was filed asking for a new trial on grounds that the verdict was contrary to evidence and to the law and that the court erred in not granting the pretrial motions for continuance and change of venue, and for denying the defendants' challenge to the jury panel.

This motion denied, NAACP attorneys filed an appeal with the Florida Supreme Court, appearing before that body on April 13, 1950, to ask the court to reverse the convictions of Shepherd and Irvin and to order a new trial. Six legal and constitutional issues formed the basis for the appeal. The convictions were upheld by the court in a unanimous decision handed down on May 16.

BEAT PRISONERS

On April 17, 1950, evidence was presented to a special grand jury in Ocala, Florida, in an effort to secure an indictment of police officers who were accused by the NAACP of beating and otherwise mistreating the defendants. The grand jury refused to return an indictment, and the local U. S. attorney charged with the responsibility of prosecuting the case was accused by the NAACP of failing to subpoena key witnesses who

could have testified as to the beatings.

The U. S. Supreme Court issued a writ of certiorari, agreeing to review the case, on November 27, 1950. In its petition for certiorari, the NAACP cited three grounds for reversal: First, that the trial judge should have granted continuance (postponement) to allow defense attorneys time in which to prepare their case; second, that the atmosphere of Lake county was permeated by race hatred and violence, making a fair trial impossible; third, that the system of racial proportional representation on juries used by the county commissioners in this case is unconstitutional. It was pointed out that jurors were chosen from voters' registration rolls, which contain the name of one Negro for every eighteen white persons, rather than from the list of residents of the county eligible for jury service — one Negro for every four whites.

The NAACP petition has been

(*Continued on page* 350)

LEGAL BATTERY FOR GROVELAND CASE—*On the steps of the U. S. Supreme Court immediately after the argument on March 9 are attorneys for the appellants Shepherd and Irvin: (l. to r.) Thurgood Marshall, Jack Greenberg, Franklin H. Williams, Alex Akerman, Jr., Mrs. Akerman, James M. Nabrit, Jr., and Robert L. Carter.*

Acme

BUNCHE GIVES FILM AWARDS—*Joseph L. Mankiewicz (left) holds the "Oscars" awarded to him for the best direction and best screenplay at the 23rd annual Academy Awards. Darryl F. Zanuck (right) was awarded the Irving Thalberg Award for "consistently high production during the past three years." Nobel Peace Prize winner Dr. Ralph Bunche (center) made the awards.*

METROPOLITAN OPERA AUDITION WINNERS—*Rudolf Bing (right), general manager of the Metropolitan Opera House, congratulates first and second place winners of the Met's Auditions of the Air, at his office in New York City, March 26. Maria Leone (center), soprano from Detroit, Mich., was first place winner of a $2,000 scholarship. Fred Thomas (left), baritone from Norristown, Pa., who tied for second place, will receive a $1,000 scholarship.* BOTTOM: *Howard S. Cullman, chairman of the Port of New York Authority, Mrs. Ralph Bunche, and Peter Grimm attend a press luncheon to map the New York 1951 city-wide cerebral palsy campaign. (Wide World, Acme)*

EXOTIC AND EXCITING *Pearl Primus and a dance group thrilled a huge crowd at State College, Wilberforce, Ohio, in March. Miss Primus divided her program at State into two sections. A master class was held for students of the physical education classes, and then a regular concert dance program. Her program ranged from African ceremonial dances to modern satirical dances. She is shown in the picture, foreground, giving instruction to members of the dance group.*

JEANNE RAMON AND JEAN LEON DESTINE, *of the Haitian dance group, in recital at the Ziegfeld theatre, New York City, on April 8. The Haitian dance recital was one feature of "Haiti Week in New York," April 7-15, sponsored by the Haiti Tourist Information Bureau. (Bennett & Pleasant photo)*

RESOLUTIONS ON PROGRAM AND POLICY TO BE CONSIDERED AT FORTY-SECOND ANNUAL CONVENTION

In accordance with *Article IX, NAACP Constitution* (*Blue Book*), the following proposals for change of policy and/or program and constitutional amendments have been submitted to the Executive Secretary of the National Association for the Advancement of Colored People for consideration by the Forty-Second Annual Convention:

AMENDMENT TO BRANCH CONSTITUTION

River Rouge-Ecorse Michigan Branch

Received at National Office April 25, 1951

WHEREAS, the present minimum senior membership fee is $2.00, and

WHEREAS, the previous minimum senior membership fee was $1.00, and

WHEREAS, the $2.00 fee is more than most of the previous members of the branch are willing to pay, and

WHEREAS, the $2.00 fee has decreased the total membership of the branch to less than one-half of the total membership obtained under the $1.00 fee, and

WHEREAS, the branch is dependent upon a large membership for active community support:

BE IT RESOLVED, that the minimum senior membership fee be decreased from $2.00 to $1.00.

AMENDMENT TO YOUTH COUNCIL CONSTITUTION

New York City Youth Council, New York

Received at National Office April 24, 1951

After the words "subordinate unit of the Association," strike out the words, "and of the ..... Branch"; also further down, after the words, "subject to the general authority and jurisdiction of the Board of Directors of the Association," strike out the words, "and of the ..... Branch"; so that the amended paragraph will read:

"The Youth Council shall be a constituent and subordinate unit of the Association, subject to the general authority and jurisdiction of the Board of Directors of the Association, except as hereinafter provided. Its object shall be to inform youth . . . economic, educational, . . . as directed by the Board of Directors of the Association."

POLICY

Illinois State Conference of Branches

Received at National Office April 24, 1951

WHEREAS, the Chicago Branch NAACP presented to the 1949 annual convention a resolution requesting a National Education Committee, and

WHEREAS, the experiences of the Illinois State Conference with the NAACP bookmobile demonstrates throughout the state the same need for national guidance of branch efforts as set forth in the Chicago resolutions; namely, that the biased textbooks used in the schools are published on a national scale and must be corrected by national as well as local efforts, and

WHEREAS, the prompt appointment and efficient functioning of the standing committees required by the Branch Constitution cannot be secured without parallel national committees and effort, and

WHEREAS, the NAACP will receive its maximum power from the activity of the entire Negro group working with all other groups and persons who understand the necessity of abolishing both race prejudice and discrimination, and

WHEREAS, the mass of the people must be trained through the functioning of committees in specific fields of activity as well as through meetings and membership and fund drives: therefore

BE IT RESOLVED, that the NAACP appoint national voluntary committees, publicize their work in *The Crisis*, and integrate it with our present program.

Richmond Indiana Branch

Received at National Office April 18, 1951

Recommends that financially able branches be permitted to establish clubs for the purpose of selling snacks, profit from which will be divided between the National Office and the branch according to the procedure outlined by the Constitution and By-Laws for Branches of the NAACP.

Along the N.A.A.C.P. Battlefront

CIVIL RIGHTS

Civil Rights Conference: The Association sent out a call in April to 50 national church, labor, fraternal, civic, and minority-group organizations asking them to attend a civil-rights conference in Washington, May 22-23. The organizations were asked to send two or three of their top executives to the conference.

President Truman has given evidence of a trend toward appeasement of discredited Dixiecrats and other reactionaries, and despite his repeated assurances of continued support of the civil-rights program he has failed as we go to press to issue an emergency FEPC order or really to crack down on jim-crow in the Army. His appointment of Millard Caldwell, former governor of Florida, as Federal Civil Defense Administrator, as well as Robert Ramspeck, former congressman from Georgia, as chairman of the United States Civil Service Commission, certainly does not augur well for any civil-rights program.

It is for this reason that Walter White refused an invitation to participate in "an important civil defense conference" in Washington, May 7-8. Mr. Caldwell, in a telegram of April 3, had asked that five leaders of the NAACP participate in the Washington conference. Wiring back on the same date, Mr. White explained: "It would be impossible to accept that invitation unless and until you repudiate your testimony before Senate Armed Services committee of January 15, in which you reiterated your opposition to the U. S. Supreme Court decision outlawing disfranchisement through medium of

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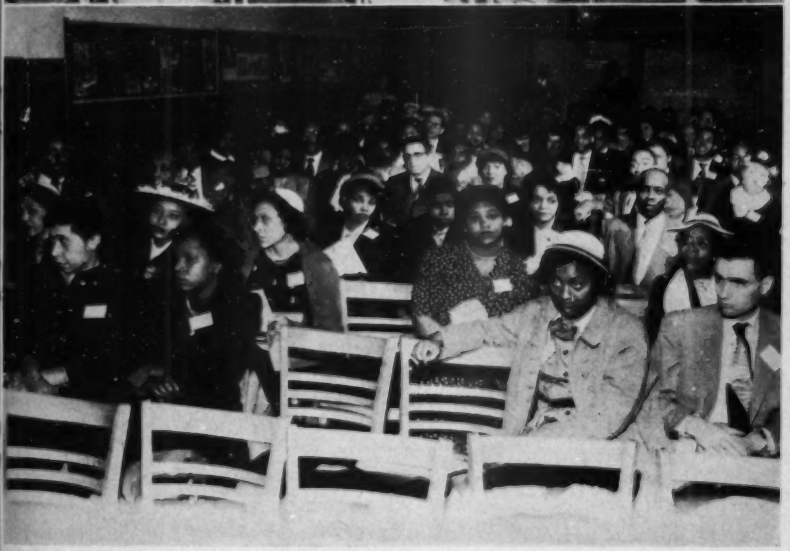
WALTER WHITE, *executive secretary NAACP, talks on grain for India at the legislative-workshop of the eastern regional training-conference held in the Willkie Memorial building, New York City, on March 31. The conference theme was the "Civil-rights program during the national emergency."* BOTTOM: *Some of the delegates in attendance at the conference.*



white Democratic primaries and admitted your urging South to resist that decision as well as your refusal to follow common courtesy in addressing American citizens irrespective of race."

Wilson Pledges FEPC Support: Charles E. Wilson, director of defense mobilization, has pledged his full support to an executive FEPC order if it is issued by President Truman. He gave this assurance in a meeting with representatives of the NAACP and other organizations supporting a civil-rights program.

Arthur Fleming, in charge of manpower problems under Mr. Wilson, promised the Association that he would give special attention to discriminatory practices in employment at atomic energy commission sites in Aiken, South Carolina, and Paducah, Kentucky.

The group also met with Dean Acheson, secretary of state, to discuss discrimination in the employment policies of the State Department. A follow-up meeting with personnel officials of that department was arranged by Secretary Acheson.

Bishop William Y. Bell of the CME church and Dr. Rayford Logan of Howard university were spokesmen for the group at both meetings. Other organizations represented besides the NAACP were the American Council on Human Rights, the National Council of Negro Women, and the Brotherhood of Sleeping Car Porters.

Integration in Armed Services: Returning to New York on April 18 after a Department of Defense joint orientation tour, Walter White reports a markedly increased willingness of the armed services to accept the principle and practice of racial integration. The tour, in which 75 civilian leaders participated, included two-and-a-half days at the Pentagon in Washington and field trips to the U. S. Marine Base at Quantico, Va., the U. S. Air Force Base at Eglin Fie'd, Fla., the U. S. Naval Base at Pensacola, Fla., and the U. S. Army Infantry School at Fort Benning, Ga.

At Elgin Field and at the Pensacola Naval Base, Mr. White said there is remarkable integration despite the fact that the percentage of Negroes serving or being trained as officers is regrettably small. Although he saw no Negroes at Quantico, he was told that several Negroes were being trained at another Marine base. At Fort Benning, Major-General John H. Church told Mr. White that 12.5 percent of the military personnel is colored and that "integration is moving along quite well," although he did not specify the method of integration. Mr. White noted that no Negroes participated in the demonstrations that he witnessed and that he saw no colored officers at the officers' mess. He did, however, notice that there were a number of Negroes in the beginners' class of the Paratroop School at Benning.

LEGAL

Trenton Jury Weighs "Confessions:" With three of the "confessions" in the trial of the Trenton Six ruled illegal by superior court judge Ralph J. Smalley, defense counsel in April continued the effort to invalidate the

statements by Collis English, McKinley Forrest, and Ralph Cooper.

The jury of eight women and six men, who had been barred from the courtroom for three weeks while defense counsel challenged the legality of the "confessions," returned to the jury box the week of April 15 following Judge Smalley's ruling excluding the statements of John McKenzie and James Thorpe and the typewritten statement signed by Cooper. The judge admitted Cooper's handwritten statement. The sixth defendant, stout-hearted Horace Wilson, never confessed.

Much of the testimony of the preceding three weeks was repeated in the presence of the jury. Witnesses included a parade of police officers who had participated in the arrest and questioning of the accused men. Under cross examination by Raymond Pace Alexander, NAACP-retained lawyer for Wilson and McKenzie, and other defense counsel, police officers admitted that they had no warrants for arrest of the men, that the men had been arrested and held without any formal complaint, and that Cooper and Wilson were arrested outside of the jurisdiction of the Trenton police.

Efforts of prosecutor Mario Volpe to get into the testimony Cooper's handwritten "confession" were twice blocked by Judge Smalley. However, the judge permitted the prosecutor to question police officers about their conversations with McKenzie, whose "confession" was thrown out. Judge Smalley warned the jurors that it was up to them to believe or disbelieve the police testimony.

The investigations of the slaying of the aged storekeeper in January, 1948, with which the defendants are charged, were made under the direction of police chief Frank Naples. Despite consistent needling by defense attorneys, the state has steadfastly refused to put Chief Naples on the stand. Defense attorneys wish to question him on the legality of the arrests and confessions.

MISCELLANEOUS

New Field Worker: John W. Flamer has been added to the staff of the branch department as an assistant field secretary. Mr. Flamer began work on April 15. Before coming to the NAACP, he had been executive secretary of the Council for Equal Job Opportunity in Philadelphia, Pa., and also a teacher at St. Charles Borromeo School of the same city.

A veteran of eighteen months in the Merchant Marine during World War II, Mr. Flamer was graduated in 1944 from Xavier university, New Orleans, and did graduate work at the University of Pennsylvania.

New Board Member: Algernon Black, leader of the Ethical Culture Society of New York, has been elected to the 48-member board of the NAACP to fill a vacancy for a term expiring on December 31, 1953.

Long a fighter for civil rights, Mr. Black was one of the organizers and leaders of the city-wide committee on Harlem which was established as a result of the riot of 1943. He is also chairman of the New York State

Commission on Discrimination in Housing.

Paducah College: The U. S. Supreme Court has refused to grant leave to the City of Paducah, Kentucky, to file a petition for writ of mandamus setting aside a lower court decision which ruled that Negro students were entitled to admission to Paducah Junior College on the same terms and conditions as other students.

The suit dates back to November, 1949, when the Association filed a complaint seeking the admission of Fred A. Wilson, Jr., and Henry L. Powell, and other qualified Negro applicants, to the college. Judgment in favor of the plaintiffs was handed down on October 30, 1950, by federal district judge Roy M. Shelburne.

The judgment in the case was merely a declaration of the plaintiff's rights, and no injunction was issued ordering admission of the Negro applicants. If the college authorities continue to refuse admission to Negroes, the Association will seek an injunction.

Norfolk & Western Ends Jim-Crow: The Norfolk & Western Railroad announces abolition of all segregation rules and regulations on its trains. Martin Burks, assistant general solicitor for the railroad wrote Martin A. Martin of Richmond, Va., who had handled a segregation suit against the railroad, that "the Norfolk and Western has revised its rules relating to segregation" so that "no passenger shall be compelled to move nor refused transportation nor ejected from the train because he refuses to occupy space in the coach assigned for passengers of his race or insists upon occupying space in another coach."

This change in the rules resulted from a segregation suit filed against the railroad by Dr. Elizabeth Durham, who held a first-class ticket from Columbus, Ohio, to Petersburg, Va., but was required to ride in a segregated coach. Mr. Martin, of the Richmond NAACP, handled the case and suggested a basis of settlement in a memorandum to the company. The company accepted the suggestion, with a payment of $1,500 to Dr. Durham for damages.

Color Bar Cracking: Addressing the Atlanta, Ga., branch and the Alabama state conference of the NAACP in April, Roy Wilkins, NAACP administrator, predicted that Negro students will be enrolled in the state-supported universities and Alabama within a year. Victories in NAACP court actions in recent years have opened state-supported "white" educational institutions to Negroes in all southern and border states with the exception of Georgia, South Carolina, Florida, Alabama, and Mississippi.

WALTER CARRINGTON *of Harvard University reporting to the legislative-workshop of the NAACP national regional-training conference held in New York City on March* 31.

What the Branches Are Doing

California: The INDIAN WELLS VALLEY branch is located at a naval ordnance test station fifty-eight miles north of Mojave. Actually the branch grew out of race issues involving Negroes assigned to work at the test station in 1945. W. T. Nichols, vice-president of the branch, was the first colored civil service employee and it was largely through his efforts that the branch came to be organized. Other faithful workers are Thomas Reese, R. Smith, Mrs. Clara Howard, and Mrs. Adrienne Young.

Colorado: Dr. Clarence Holmes, DENVER dentist and president of the Cosmopolitan club, was awarded a citation in February in "recognition of outstanding service in human relations in the Denver area" by the Mile-Hi lodge of B'nai B'rith at a brunch attended by 200 persons.

"Over a period of years, Dr. Holmes' thoughts, hopes, and desires have revolved around the dignity of man and he has constantly labored to enable men to live in peace and harmony with their fellowmen," stated Senator Ben Bezoff, chairman of the brunch, as he presented the citation.

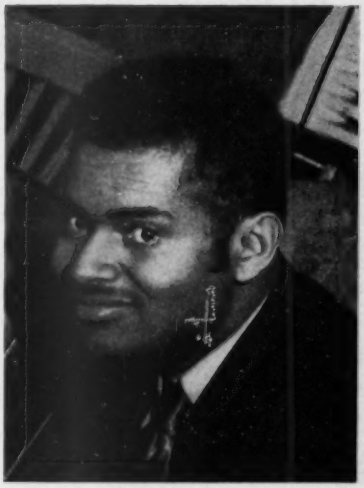
In accepting the award Holmes said, "This is one of the best attended of all the brunches — which indicates that fair employment practices, even when applied in the giving of awards, is good business."

Connecticut: Billy Marshall, a member of the ANSONIA branch, is disc-jockey of the "Mid-Week Function" heard every Wednesday from 8:30 to 9:30 P.M. over Station WICH at Norwich, Conn. He is also heard on the "Let's Dance Show" every Saturday from 9:00 to 10:45 P.M.

HARRIET PEAT, *newly appointed medical social worker of the Harlem Tuberculosis and Health Committee, New York City.*

Florida: The RIVIERA BEACH branch has been investigating the case of Clifford Jackson, a Riviera Beach Negro, who was fatally shot on the morning of February 17 by Al St. John of the local police force. A branch committee interviewed Chief Britt and Mayor Griffin shortly after the shooting in an effort to ascertain the circumstances surrounding the killing. Conferences were also held with county solicitor T. Harold Williams and Oscar Miller, a prominent civil-rights lawyer of West Palm Beach.

Circumstances surrounding the shooting seem to be as follows: Clifford Jackson and his wife, Rose Mae, were driving south on the highway about 7:30 P.M. that Saturday. Because Jackson was drunk, his wife made him let her out of the car. She entered a grocery store and her husband followed



AURELIO STERLING, *militant NAACP youth leader, died in New York City on April 6. Mr. Sterling was president of the New York City NAACP youth council.*

W. NICHOLS, *vice-president of the Indian Wells Valley, Calif., branch of the NAACP.*

in an attempt to make her get back in the car. A policeman was called and he took both Jacksons to the police station. Then it was discovered that Jackson had been driving without a license. So he was placed in a backroom while the police questioned his wife, but when they went to get him they found that Jackson had escaped through a window and was running for home.

Patrolman Carter took up the chase and when he met off-duty patrolman St. John he asked his assistance in catching Jackson. St. John caught up with Jackson and shot him in the back. The shooting was totally unnecessary, since Jackson was unarmed and put up no resistance.

Certain remarks of officer St. John have led local Negroes to believe that

RUSSELL R. DEBOW, *newly appointed assistant to Michael DiSalle, director of the Office of Price Stabilization. Mr. DeBow was formerly on the staff of the Chicago Defender.*

the killing grew out of hate and Negrophobic prejudice. In the investigation local authorities seemed more eager to whitewash the affair than to arrive at the truth. Though the coroner's jury called the shooting "justifiable homicide," branch officials are still working on the case.

Iowa: David singer, chairman of the legal redress committee of the SIOUX CITY branch reports the following local developments: The enactment of a limited fair employment practices ordinance by the city council and the creation of a job discrimination commission. The ordinance grew out of the work of the legislative committee of the local branch, which started by creating a city-wide joint fair employment practices committee.

Minnesota: The MINNEAPOLIS branch is continuing its war on Army segregation, a fight which started when Pvt. Stanley Jones of Minneapolis wrote that he had been assigned to an all-Negro training unit in a segregated part of Camp Rucker.

New Mexico: The ALBUQUERQUE branch reports defeat of the bill (SB No. 154) to eliminate segregated schools in New Mexico. A smear campaign dubbing some of the supporters of the bill Communists, plus the opposition of several Negroes who still favor segregated schools, was main cause of defeat. All four witnesses for the opposition were Negroes, three of them employees of the school system, and one a minister whose wife is a school teacher.

New York: More than 250 delegates representing NAACP branches along the eastern seaboard from New England to Virginia attended the annual NAACP regional training conference held in NEW YORK CITY on March 31. Among consultants leading the discussion in the workshop sessions were Dr. Frank Horne, assistant administrator of the Housing and Home Finance Agency; Madison S. Jones, racial relations adviser to the Federal Housing Administration; Mrs. Hortense Cabel, executive director of New York State Committee on Discrimination in Housing; Thomas L. Cotton, public relations consultant; and Pauline Young, librarian Howard high school, Wilmington, Del.

Oregon: The president of the PORTLAND branch has asked local NAACP members to assist where possible in the work of other community organizations.

The Oregon senate voted in March by 21 to 7 to repeal the state's 85-year-old statute banning interracial marriages.

Rhode Island: Annual New England regional conferences of the NAACP was held in Hartford, Conn., April 21-22.

Virginia: The Virginia State Conference of NAACP Branches acknowledges with deep appreciation the moral and financial support received from organized groups and the lay public in the Martinsville case. The Virginia NAACP entered the case because it appeared that these men were being electrocuted because of their race, rather than because of their guilt of the crime of rape.

The question of their guilt or innocence was not raised by us because under the law a person is presumed to be innocent until proved guilty beyond all reasonable doubt after having had a fair trial; and further the verdict of the juries foreclosed us from raising the point on appeal. It is now and always has been the opinion that these men did not get a fair trial in Martinsville; did not get a proper sentence under the United States Constitution; and therefore their presumption of innocense remains, and any further allegation to that effect would be redundant.

Mrs. Justine K. Spencer submits the following list of contributors to NAACP Sunday in Roanoke: St. Paul's Methodist church, Rev. S. J. Harris pastor, $5.00; Sweet Union Baptist church, Rev. W. M. Gilbert pastor, $12.00; Jerusalem Baptist church, Rev. W. N. Hunter pastor, $12.00; High Street Baptist church, Rev. R. J. Smith pastor, $10.00; and the First Baptist church, Rev. A. L. James pastor, $31.00. Total contributions were $70.00.

Wyoming: Mrs. Anne Pierce, president of the CASPER branch, reports

MRS. VERSA ANNE PIERCE, *president of the Casper, Wyo., branch of the NAACP.*

that her branch is now investigating a local case of police brutality. Although the branch supported a civil-rights bill in the state legislature, it failed of passage because it was never voted out of committee. The branch has also organized a youth department, of which Ernest Davis is chairman.

Los Alamos boasts a new NAACP branch. The place is famous as the site of one of the principal United States atomic energy projects. Organizer and president of the branch, chartered in February, is William G. Stone, a security inspector at the atomic energy plant. The branch name, however, is SANTA FE.

Sterling Dies: The youth department of the NAACP lost one of its most militant and brilliant leaders with the death of Mr. Aurelio Sterling on April 6, 1951. Mr. Sterling was only 21 at the time of his death.

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GERALDINE HENRY, *awarded a $6,800 scholarship at Manhattanville College, New York City.*

The Methodist Board has offered MORRISTOWN COLLEGE $10,000 provided the college will match this sum.

■

TENNESSEE AGRICULTURAL AND INDUSTRIAL STATE UNIVERSITY co-sponsored a career conference with the National Urban League in March. Theme of the conference was "Matching Skills to Manpower Needs," with President Thomas Roy Jones of the Daysrom corporation, N. J., delivering the keynote address.

DR. W. S. DAVIS, *president of Tennessee State University.*

Merton D. Simpson, Hale A. Woodruff, William E. Artis, and Charles White, all now residing in the state of New York, were named winners of high awards at ATLANTA UNIVERSITY's tenth annual exhibition of paintings, sculpture, and prints by Negro artists.

Simpson, who lives in Brooklyn, won the choice John Hope Landscape Award of $250 for his "Landscape Symphony," an abstract; Woodruff, who teaches at New York University, won the $150 Atlanta University Award in oils for "The Yellow Bird"; Artis, of Syracuse, was adjudged winner of the First Atlanta University Sculpture Award of $250 for his crouching figure carv-

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ed in stone, "The Quiet One"; and White, of New York City, captured the top award of $25 in the graphic arts for his litograph, "John Brown."

The largest cash award of $300 for the best figure painting in the show went to Walter A. Simon, of Petersburg, Va., for "String Dance." Simon now teaches at Virginia State College.

Judges at the 1951-show were Mary Hutchinson, Ben Shute, and Lewis Skidmore, all of Atlanta.

■

The problem of relations between racial and cultural groups in America is stressed in the FISK UNIVERSITY report, "Human Rights and Human Relations," prepared under the direction of Dr. Herman H. Long, director of the university's race relations department.

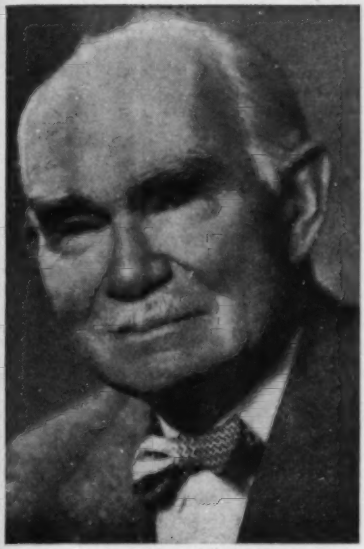
When the Fisk Jubilee Singers appeared at the YMCA in Indianapolis in March, this was their first performance as a program feature since the original Jubilee group.

■

Geraldine Vivian Henry, the oldest child of state professor James T. Henry, is the recipient of a $6,800 scholarship at famous Manhattanville College of the Sacred Heart in New York City. The award is divided into four years at $1700 a year. Miss Henry will matriculate at Manhattanville in September, 1951.

■

SHAW UNIVERSITY observed eleventh annual theological alumni day in the university church on March 28, with acting-president William R.



DR. LEE deFOREST, *"Father of Radio," who began his long series of significant inventions at Talladega College, returns to the campus to give the commencement address on June 4. Seventy-seven-year-old Dr. deForest holds about 300 patents. His father was at one time president of Talladega.*

Strassner delivering the main address.

■

The Tyng Foundation Committee at WILLIAMS COLLEGE (Williamstown, Mass.) has announced a scholarship award to Herbert E. Kinds for the incoming class of 1955. This is the first time a Negro student has ever received a Tyng scholarship. Herbert Kinds, of Cleveland, Ohio, is a senior at the Glenville high school and leads his class of 103.

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He is president of the French Club, president-treasurer of the National Honor Society, vice-president and treasurer of the Student Council, president of the Council on World Affairs, and a staff member of the school paper.

■

The LOUISIANA STATE UNIVERSITY PRESS has published William Johnson's diary of events in Natchez, Miss., from 1835 to 1852. The book, edited by E. A. Davis and William Hogan, is published under the title of *William Johnson's Natchez*. Johnson was a Negro ex-slave whose diary gives a broad picture of the well-to-do free Negro's attitudes on everyday affairs during the period covered. Professor Allan Nevins of Columbia university calls Johnson "one of the most interesting and remarkable of American diarists."

■

ST. ANN'S ACADEMY at Winston-Salem, N. C., is offering a four-year scholarship of $400 to a Catholic Negro girl.

■

Dr. Charles S. Johnson, president of Fisk, spoke on April 2 in COLUMBIA UNIVERSITY's "The Citizen Looks at his World Today" lecture series. Dr. Johnson's lecture, the fourth in a series, was on the topic "The Citizen Looks at Race Relations."

■

WEST VIRGINIA STATE COLLEGE was host in March to the twenty-fifth Association of Collegiate Deans and Registrars, with President J. B.

Cade of Southern university delivering the annual address.

About 70 State students have organized a local chapter of the West Virginia Collegiate Academy of Science as an affiliate of the West Virginia Academy of Science. And the Mechanics Arts Guild of the college has become associated with the American Industrial Arts Association, a division of the National Education Association.

Representatives of three state colleges — Kentucky, Tennessee, and West Virginia — met on March 17 on the campus and organized a play-day association for women.

Annual men's day was observed on March 18, with President Benjamin Mays of Morehouse delivering the main address.

■

Vocational guidance was the subject of a panel at KENTUCKY STATE COLLEGE conducted by Jesse O. Thomas, of the American National Red Cross; John Dancy, of the Detroit Urban League; and Fletcher Martin, of the Louisville *Defender*. The meeting was sponsored in March by the college, the Red Cross, and the Urban League.

Other activities at the college include a memorial service by the Omega Psi Phi fraternity in honor of its dead brothers, a dance recital by the college dance group, and the annual Palm Sunday cantata.

A group of 41 Temple university students visited the campus March 18-23 under the direction of Dr. Joseph Butterweek to observe and study educational practices in Kentucky as they affect white and Negro racial groups.

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DILLARD UNIVERSITY conducted a workshop for high-school principals March 7-10 as the second in a series of five annual workshops to be held on the campus. Theme of the meeting was "Problems and Opportunities Confronting Negro Youth." The four consultants for the conference were Dr. W. G. Brink, specialist in secondary education, school of education Northwestern university; Col. Campbell Johnson, assistant to the director of selective service, Washington, D. C.; Dr. Charles H. Thompson, dean of the Howard university graduate school; and Dr. Ellsworth Tompkins, specialist for high schools in the United States Office of Education, Washington, D. C.

■

Annual open house of the HOWARD UNIVERSITY school of engineering and architecture was held on April 12. The event included displays of architectural design, engineering equipment, exhibits of student work, laboratory demonstrations, and an inspection tour of the university power plant, which serves as a laboratory for advanced electrical and mechanical students and graduates.

The university in response to requests from Washington public school teachers and government workers is offering 92 after-work-hours courses. These are all non-degree courses.

The Kappa Sigma Debate Society of Howard tied for third place in the annual Brooklyn college debate tournament held in March in Brooklyn, N. Y. The tournament, the

fourth annual Brooklyn international, included forty-five teams representing forty-one of the nation's outstanding schools.

■

A brilliant address by Atty. Mary E. Spivey of Cleveland, Ohio, was the main feature of WILBERFORCE UNIVERSITY's 95th founders' day activities on March 15. A drive to raise $30,000 was started as part of founders' day observance.

■

The state college at Wilberforce, Ohio, is to be known officially as CENTRAL STATE COLLEGE. The new name will result from action of the Ohio senate when it passed Senate Bill No. 58 on March 19. Two steps, however, remain before the bill becomes law: it must pass the House and be signed by Governor Lausche. Unanimous approval of the bill by the Senate without amendments is strongly in its favor.

President Rufus Clement of Atlanta university was fourth annual charter-day speaker at state on March 19. Dr. Clement spoke on the results of full integration of Negroes into American life.

■

A religious-emphasis period was observed at LINCOLN UNIVERSITY (Mo.) in March, with Rev. R. E. Penn, pastor of the Pleasant Green Baptist church, Kansas City, Kans., as the speaker.

The possible role of the Negro in television was discussed by George A. Moore, television program director at Station WEWS, Cleveland,

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Ohio, during "headliner week." John Sengstacke, publisher of the Chicago *Defender*, delivered the annual "headliner-week" banquet message on April 20.

■

ALBANY STATE COLLEGE celebrated founder's day on April 2, with Dr. Edward Ferguson, Jr., of the class of '24, now professor of biology at Maryland State, as the principal speaker.

Mrs. T. L. Latimer reports success of the open forum series of the social science department.

■

TUSKEGEE INSTITUTE was host March 19-22 to a four-day meeting of The National Association of Jeanes Workers. One hundred thirteen delegates representing thirteen states were in attendance.

Thirty-ninth annual meeting of the John A. Andrew Clinical Society was held April 8-13.

■

LINCOLN UNIVERSITY (Pa.) will be 100 years old in 1954 and plans are already under way for a centennial campaign to mark this event. Incidentally, Lincoln president Horace Mann Bond's automobile bears license tag No. HB 97, issued by the Pennsylvania Motor Vehicle Bureau, marking the 97th year of the institution.

Prime minister of the Gold Coast, Africa, Kwama Nkrumah will be Lincoln commencement speaker on June 6. Mr. Nkrumah, a Lincoln alumnus of the college class of '39 and the theological seminary class of '42, is the first African to head a country within the British Commonwealth of Nations.

■

VIRGINIA STATE COLLEGE is one of the twenty-six American universities chosen to award the sixth annual Encyclopedia Britannica Films Summer Scholarships in 1951.

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Book Reviews

NEGRO ART

The Sculpture of Negro Africa. **By Paul S. Wingert. New York: Columbia University Press, 1950. VII+96pp. 117 Plates. $4.50.**
African Negro Sculptures. **By Carl Kjersmeier. New York: Wittenborn, Schultz Inc., 1948. 85pp. 40 Plates. $4.50.**
Ashanti Weights. **By Carl Kjersmeier. Copenhagen: Jul. Gjellerups Forlag, 1948. New York: Wittenborn & Co. 23pp. of text, with 100 reproductions from the author's collection. $1.25.**

These three books furnish a good introduction to the art of Negro Africa. Dr. Wingert is assistant professor of art at Columbia University; Mr. Kjersmeier, a Dane, is a great European authority on African art already well known for his illuminating studies of the subject.

Though the esthetic significance of Negro sculpture was discovered forty-seven years ago by the Fauve painter Maurice de Vlaminck when he picked up two Negro statues in a cafe at Argenteuil, it was not until 1919 that the first exhibition of Negro sculpture was held in Paris. Vlaminck belonged at the time to a group of young painters known as the *Fauves* (Wild Men) — Derain, Picasso, Braque, Jacob, *et al.*— which used to meet in a little restaurant in the Rue de Ravignan to discuss a new esthetic. Their discovery of African esthetics was so powerful a sensation that members of the group indulged for a time in a Negro period. It was in this way that African Negro art came to exert its tremendous influence upon modern art.

Despite the esthetic boost given by the Fauves, African Negro art was collected for years as strictly ethnological specimens rather than for its artistic quality. But with a wider understanding of its artistic value, museums began to hold exhibitions and to issue explanatory brochures. Two years ago the Geneva ethnographic museum opened up a special African art room, and just recently the Segy Gallery in New York City held an exhibition of African Negro sculptures.

Dr. Wingert's book explains the basic essentials of African sculpture and then illustrates these principles by reference to the art styles of various peoples. Basis of the African esthetic is this: "The Negro sculptor does not copy nature. Instead, since he is concerned with sculptural expression, not representation, he simplifies or distorts those forms that he considers significant and generalizes or entirely suppresses the details unimpotant to him." Hence the powerful bare volumes and the highly decorative style so characteristic of African Negro sculpture.

African art is not produced for art's sake: it is an entegral part of the daily round and the figures may be fetishistic, ancestral, or commemorative, according to the purposes for which they were carved. Masks are accessories to the dance. Even such utilitarian objects as stools, knives, forks, bowls, axes, etc.,

have elaborate carvings which add beauty to utility. Art styles and traditions vary with the people. Dr. Wingert analyzes them by geographical areas and among some forty different groups in West, Central, and East Africa, and the Cameroons. Due attention is paid to the cultural background of each people and the beliefs and institutions which nurtured each style. Vignettes in the text offer a running pictorial commentary supplementing the plates.

I notice that the author's explanation of "ancestor worship" differs in essentials from the explanation given by R. P. Placide Tempels in his *La Philosophie Bantoue*. According to Tempels, Africans neither worship their ancestors nor the fetishistic idols. They are merely symbols.

On page 26 Dr. Wingert has a brief discussion of the weights which are the subject of Dr. Kjersmeier's little book, *Ashanti Weights*. These weights, cast by the lost wax or *cire-perdue* method, were designed for the weighing of gold dust and were cast in copper, bronze, or brass. The royal treasury possessed a complete set in gold, although it was never used in practice. The unit of value was called the "ackie," about one-sixteenth of an ounce, and thirty-five ackies formed an average series of weights. The heaviest weight known to the author weighed 1385 grammes.

"In olden days" explains Dr. Kjersmeier, "when the trade with gold dust flourished, every well-to-do Ashanti owned a collection of weights, numbering 60 to 70—rich people would often have several hundreds. Each weight system had small balances and spoons and some shallow bowls, which were open at one side so that it was possible to blow away impurities in the gold, and square or round boxes for storing the gold dust."

Usually buyers and sellers trusted only their own weights, which meant that at least two weighings took place. Chiefs and court officials had the privilege of using weights which exceeded the current types. Hence the Ashanti proverb: "The weights of a chief are not the same as those of a poor man." The English abolished the native system of weights in 1899.

These weights were often used for other purposes than commerce. Kings sometimes enforced decrees by having weights molded with symbolic meanings. Professional storytellers used them to illustrate the course of events in their stories. And it was possible for criminals to escape punishment for a crime by paying a fine in gold dust in accordance with a certain weight.

These weights are usually never more than two inches high and depict men as well as animal forms, birds, fish, and reptiles. Many illustrate proverbial sayings; others, scenes from daily life.

Dr. Kjersmeier's African Negro Sculptures is made up exclusively of plates (40 of them) showing the art styles of forty different African groups ranging from the Alangua, through the Baoulé and Ekoi, to the Yoruba. Geographically, the pieces represent French West Africa, Portuguese Guinea, Sierra Leone, Gold Coast, Nigeria, Cameroons, French Equatorial Africa, Belgian Congo, Angola, and Tanganyika. They are the most typical specimens from the author's own collection and each plate is accompanied with the name of the tribe, the area, the material and height of the piece, and the purpose for which it was used.

J. W. I.

GROVELAND VICTIMS

(*Continued from page* 321)

completely vindicated in the reversal of the convictions on the basis of the method of jury selection.

In handing down his concurring opinion, Justice Jackson also lashed out at the convictions as not meeting "any civilized conception of due process of law." He said that "the conclusion is inescapable that these defendants were prejudged as guilty and the trial was but a legal gesture to register a verdict already dictated by the press and the public opinion which it generated."

Now Samuel Shepherd and Walter Irvin face a new trial for the crime of which the NAACP insists they are innocent.

NEGRO GI IN KOREA

(*Continued from page* 304)

until he was confronted with court-martial charges. We checked, and found he told the truth. His 18th birthday occurred 11 days after his court martial convicted him of being a coward.

One unit of the 159th Field Artillery consisting of Negro enlisted men and white officers was in a river bed, where it was very peaceful and quiet. It was so quiet that the officers went back to town that evening. At fifteen minutes after midnight, enemy mortar shells dropped down on that unit in rapid succession. There was considerable confusion.

The captain in charge of the unit gave the command to Close Station and March Order. Artillerymen do not expect to have enough time to spell out every word in such a situation. The specific order is given by the letters, CSMO. When an officer says CSMO, he means *Get Ready to Get Out.*

They coupled the guns to vehicles called prime movers, a kind of big truck. None of the court-martial testimony is disputed except the application of the CSMO order. The captain admitted he gave it, but says it was for only one gun crew to move out and not the other batteries. He further admitted that his commanding officer had instructed him over the field telephone, *"Don't issue any order. You stay there and fight."*

Even though the batteries were all coupled up to leave, the word was given to uncouple and get back to firing shells. One gun crew of fourteen Negroes, however, had heard the order CSMO and had moved out too fast to get the new order. Twelve men were back the very next morning, even though the battery had moved to a new position that night. The other two men reported to duty shortly afterward. Even with the emergency CSMO order they had all taken the trouble to learn the location of their new firing position.

CONFUSION CONFOUNDED

The commanding officer told them that there had been so much confusion and misunderstanding that nobody knew what was going on. They were to forget about the incident, to

go back to work and fight the war. And so the fourteen men forgot about it and were back on duty as before. Nevertheless, even though every one of the fourteen men had returned, charges of misbehavior were made subsequently.

Two of the men were court martialed. Three others, who testified for the two soldiers on trial, were also court martialed. At the two trials the captain gave three distinctly different stories under oath as to what had happened.

It is safe to say that this captain did not know what happened. He was confused. I talked with him and he still does not know what happened. But he has been promoted to Major, while five Negroes are in prison. Three of them are serving twenty years at hard labor and two of them received life sentences for "misconduct in the presence of the enemy."

As General MacArthur indicated in his cable to Walter White, when he first vetoed my visit overseas, under any decent system a man is treated as an individual. The terrible thing about these trials was the hopeless feeling common to every individual defendant. They felt they had no chance. The files showed these trials were held without any respect for the rights of individuals. The courts-martial were carried out with efficient haste, almost as on an assembly line. As many as four cases in a single day were tried, running on through the night, with all concerned anxious to get them over with.

QUICK JUSTICE

In four cases the trials which sentenced men to life imprisonment ran 42 minutes, 44 minutes, and the other two for 50 minutes each. This included the entire process of hearing the charges read, swearing in witnesses, examining all the evidence presented, hearing arguments (if any), explaining to the men their rights under the manual of courts-martial, the recess periods, discussion by the court and pronouncing sentence. Other trials ran an hour or an hour and ten minutes. I have seen many miscarriages of justice in my capacity as head of the NAACP legal department. But even in Mississippi a Negro will get a trial longer than 42 minutes, if he is fortunate enough to be brought to trial.

The men in the stockade had a common feeling of hopelessness. Some men with air-tight defenses had not presented evidence clearly demonstrating their innocence of the charges. Time and again I would ask them, *"Why didn't you tell your lawyer what really happened? Why didn't you tell the court? Why didn't you tell somebody?*

Even though each man is an individual in the eyes of God and under our Constitution, these individuals gave me the same answer. *"It wasn't worth trying. We knew when we went in there we were all going to come out the same way. Each one of us hoped and prayed we would only get life. They gave that officer, Lt. Gilbert, death, only because he is a Negro. What did you expect them to give a Negro enlisted man? We know what the score is."*

Such a spirit of hopelessness will strip away from any man the ability to defend himself adequately. One particular sergeant imprisoned in the

stockade outside Tokyo was representative of the devotion we have come to associate with our armed forces. Under fire in Korea three of his commanding officers were killed in a period of two days. This man had kept his company together. He did not lose a single wounded man in ninety days. He brought every injured man out, sometimes on his own back. He saw to it that his men received hot food, regularly, which he took up to them at the remoter points along the firing line. One after another he saw his friends killed, but refused to be relieved. Day in and day out, he kept on fighting, several times in command of the entire company because there weren't officers around.

BATTLE FATIGUE

This sergeant is charged with wilful disobedience of an order. When he was charged, when he talked to his lawyer, when he went into the courtroom, during the trial, and even after the sentence he never told any of them that right in his pocket was a slip from a doctor, a medical corps captain, certifying that this man was suffering from battle fatigue and should be returned to the rear for treatment. He never told anyone about this slip until he talked to me. I called the captain of the guard immediately and asked to have the sergeant's belongings searched. In the condemned man's wallet, taken away from him with the rest of his personal effects upon his reception at the stockade, was the slip of paper.

"Why didn't you tell them? I asked.

"It wasn't worth it," he said. *"It wouldn't help me. You saw what happened to Sergeant B....., didn't you, when you talked with him? Sergeant B..... put in as evidence the official record book kept by the Army hospital showing he was there on the days they charged him with being away from duty. The court didn't pay any attention to it. They are not paying attention to anything we say."*

There were men who were punished more than once for same alleged offense. Four Negro soldiers were attached to a mess hall miles behind the front lines. When they finished work one day, their sergeant told them they could go off and do what they liked. They told me it was customary to drive a jeep to a place where showers had been set up. When they returned from their shower the sentry told them there was supposed to be no movement in that section, but they could drive around by the road to the back part of the mess-hall area.

These men were picked up on the road going to Pusan. They said they were lost. When these men were brought in by the M.P.'s, their commanding officer said, *"You fellows have had easy jobs behind the lines, but you haven't appreciated it. For your punishment, I am going to put you in the front lines."*

Perhaps this captain was right. He put two of these men in a heavy mortar outfit and two others with a machine-gun unit. They were in fierce front-line fighting for twenty-one days and twenty-one nights. Perhaps they deserved this, since other men had been on prolonged duty in

battle without mess-hall duty behind the lines or shower baths after work.

Their record in battle was never questioned. But these four men were pulled out, brought back and court martialed for violation of the 75th Article of War because of the incident that had happened three weeks before, miles behind the lines. They were sentenced to twenty years each for misbehavior before the enemy. The only crime which they could conceivably have been charged with involved the use of a jeep, without permission, which has not yet been charged against them.

OFFICER BEHAVIOR

How could officers of our Army behave in such a way? The official records proved that they did, but the explanation for their behavior was still lacking. My last Sunday in Korea was spent at a very forward position of the 24th Infantry Regiment, where I talked to the key man in every company of the regiment and of the 159th Field Artillery battery. These men knew what was behind these courts-martial operations.

The Regiment's forward positions were then moved north of Seoul. They had just taken an airstrip six hours before we got there.

These soldiers were survivors of the action occurring prior to and during the three months of courts-martial. There was one man whose father had been in the regiment for twenty years, and he's been in it for nine. I talked to about seventy of these veterans, asking them to tell me what had been going on last summer and fall.

One after another, they all said the same thing. The regiment's morale had been at a disastrously low ebb. Their white officers were in many instances Southerners who had brought their prejudices with them when assigned to duty with the 24th Infantry.

Time and again these officers told the men whom they were going to order into battle, *"I despise nigger troops. I don't want to command you or any other niggers. This Division is no good, and you are lousy. You don't know how to fight."*

I cannot imagine a worse situation in combat, where a man does not care what happens to those serving under him. There is no way to make the soldiers care less what is going to happen to the outcome of the fighting, or to their officers.

CASUALTIES HIGH

The casualty rates among the enlisted men and officers was disproportionately high. And how could it help but be high, when you are following such leaders? This wasn't told about one officer, but about several, by fighting men who were not court martialed and certainly had no reason to tell anything but the truth.

This explained these courts-martial proceedings to me. I think the high rate of casualties among officers made it necessary to assign the blame. The answer was a wholesale conviction of Negro soldiers who had survived this prejudiced leadership.

When I talked to the men that Sunday, morale in the 24th Infantry was certainly high. They had a new commanding officer, Colonel John T.

Corley. They were proud of his having earned more battlefield decorations than any officer in the active Army. He respects them, and every man with whom I talked admired him. They repeatedly told me how, instead of ordering them forward into action, Colonel Corley goes out himself and commands, "Come!"

There are still some other officers in the regiment whom the men do not respect, and have little reason to respect. So long as that sort of officer is in command of jim-crow troops, we may expect the same pattern of injustice in the future. These soldiers are fighting and dying for us, who should see to it that they are not subjected to the kind of leadership which despises them.

MADE REPORT

I now had the information for a complete report to General MacArthur, with recommendations. According to Army procedure, MacArthur did not have official responsibility for the disposition of the individual courts-martial cases. After the trials were approved by the major general in command of the 25th Division, the records were forwarded for review to the Judge Advocate General's office in the Pentagon in Washington. There the NAACP has been representing the condemned men, and has already arranged for a number of the sentences to be reversed or reduced.

But in my report it was necessary to place the ultimate responsibility for these courts-martial squarely upon General Douglas MacArthur. He had both the authority and the responsibility for maintaining or ending racial segregation in the Army's Far East Command.

In the large headquarters staff of MacArthur's Far East Command at the time, in the Dai Ichi building, there were no Negroes except for three civilian clerks. This is but one fo several buildings with thousands of army personnel; nowhere were there more than one out of four men fighting with the 25th Division in Korea is a Negro American. There was a handsome, elite honor guard of crack riflemen which used to guard the headquarters and the person of MacArthur, but there was not a Negro among them. Headquarters had a football team, all white. There wasn't even a Negro in the headquarters band.

MACARTHUR RESPONSIBLE

This was General MacArthur's responsibility. He was at the time the Supreme Commander of American and United Nations troops then engaged in battle with a Communist enemy which seeks to divide us from nithe rest of the world. The Communists preach and propagandize how Americans abuse colored people, and MacArthur had allowed discrimination in his own headquarters. Negro troops in Korea are not succumbing to the Communist propaganda any more than they believed the Germans in the last war. They see how the Communists are killing Negroes as thoroughly as they are killing others.

Major General Doyle O. Hickey, who was MacArthur's chief of staff, told me that the General was aware of these things and that a study was being made to find ways and means for correcting them. I told

him that the United States Air Force took just one day to end segregation. They gave a single order, and the Air Force is now an integrated, American body of men using the best efficiency and skill each man can provide in his country's service.

Three blocks down Avenue A from the Dai Ichi building is the Far East Air Force headquarters. Negroes work alongside white soldiers there in the guard, in the offices, wherever they are capable of doing good work. The first time I went by the Air Force building there were two guards of the Air Police standing at attention. One happened to be white; the other was colored. And after the Dai Ichi building, it was a very pleasant experience to see the guard being checked by the Sergeant of the Guard, who on that day happened to be a Negro. The same policy is now in force in the U. S. Navy.

I told General MacArthur that if the Air Force and the Navy, both drawing men from the same forces as the Army, frequently from the same families, have done this without any disadvantageous results, there was no reason why the Army couldn't do it. The Army is eliminating segregation in other places, and the Far East Command has no special problems which would place it at an extra disadvantage. It is disgraceful to have the Japanese clerks in the canteens told to discriminate against Negro service men during their five day recreation rotation from Korea.

In every war in which this country has participated, Negro Americans have had to fight for the right to fight. At the start of each war, military leaders have questioned the Negro's abilities and finally accepted Negro participation under the pressure of necessity.

Although 920,000 Negroes served in the Army during the Second World War, the Army didn't take most of them until manpower shortages impelled their acceptance, using them for menial jobs wherever possible. These men were treated as inferiors in southern training camps. The great majority were used for arduous, dirty work overseas, but they covered themselves with glory just the same.

To date, the Cold War has erupted into violent action in one area, the Far East. There we face the potential enmity of hundreds of millions of men whose skins are not white, who look with extreme care to see how white men feel about colored peoples.

The NAACP believes that the men and women in our Armed Services shall have first preference on our time and efforts. But we are not only a group of Americans seeking *correction* of vicious practices and for the survival of this country, we also work to prevent injustice. The best way to accomplish this in our Armed Services is to work to bring about complete abolition of segregation now.

To date the legal department of the NAACP has secured reduction of sentence for twenty of these soldiers, but we have just begun. The NAACP is working to secure the appropriate exoneration or abbreviation of sentence for every man treated unjustly because of his race or color.

LEGAL DIRECTORY

The following directory of some of the many lawyers known to us is carried in response to numerous inquiries from readers desiring to contact attorney outside their home towns. The Crisis maintains no legal bureau, and the N.A.A.C.P. handles only cases involving color discrimination, segregation or denial of citizen rights.

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